

**TO:** Zoning Board of Adjustment  
**FROM:** Matt Wyant, Planning Director  
**DATE:** September 13, 2024

**RE:** Case #CU-2024-06

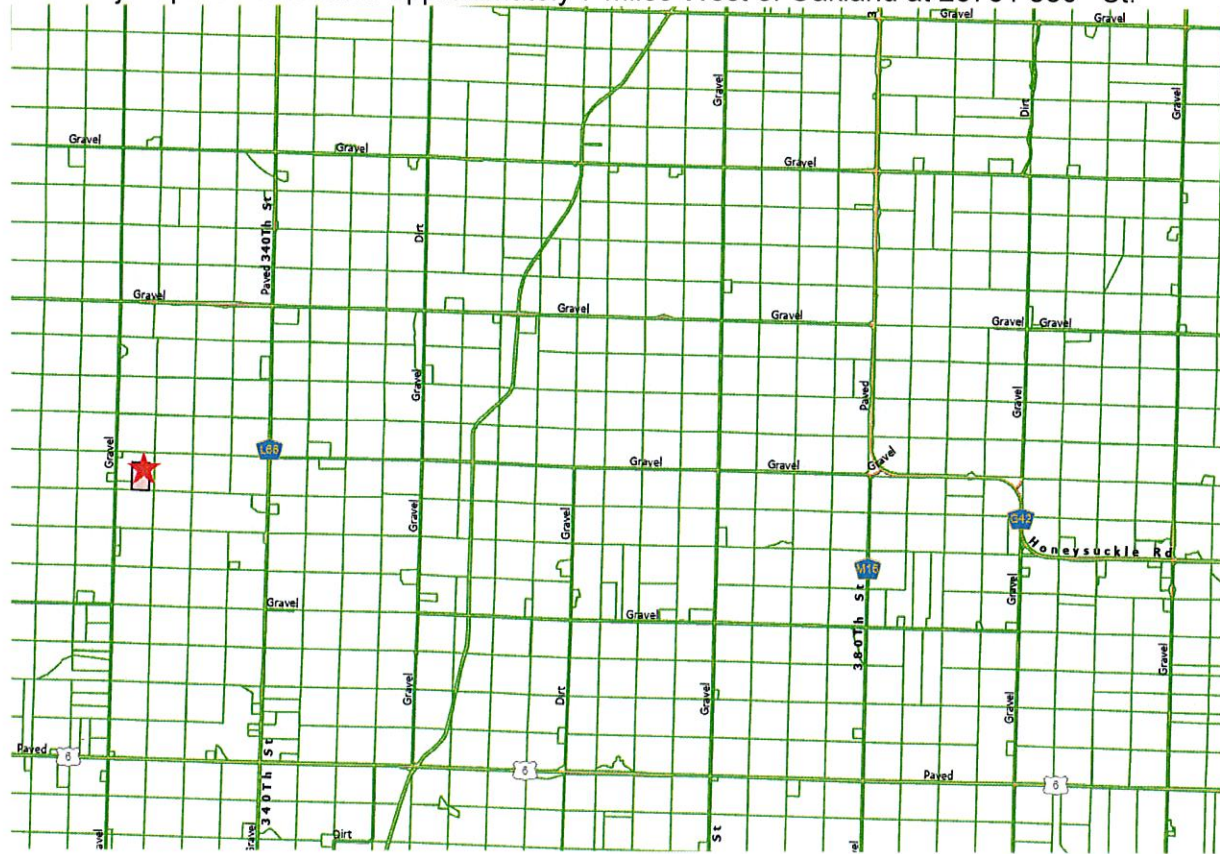
**REQUEST:** Conditional use approval to permit a commercial kennel in a Class A-2 (Agricultural Production) District.

**LOCATION:** 20761 330<sup>th</sup> Street, Minden, IA

Washington Township

10-75-41 PT NW NW S950' E600' W1176.07'

The subject parcel is located approximately 7 miles West of Oakland at 20761 330<sup>th</sup> St.



**APPLICANT:** Brandon & Jackie Nelson

**GENERAL INFORMATION:** The applicants would like to bring into compliance a commercial kennel on their property. **SEE ATTACHMENT #1.**

**SITE REVIEW:**

Currently situated on the approximately 13.09 acre parcel is a single-family dwelling, several outbuildings, septic system and well.





**AREA REVIEW:**

The majority of the properties in the area are utilized for agricultural and rural acreages.



**CURRENT ZONING:** The subject parcel is located in a Class A-2 (Agricultural Production) District.

Section 8.002.120 of the Code defines Kennel, Commercial as follows -

**KENNEL, COMMERCIAL:** The term "Commercial Kennel" shall apply to any person who keeps or maintains more than four (4) dogs six months or older. The term shall also include any kennel for dogs and/or cats, which performs one or more of the following activities:

- .01 Board of such animals not owned by the proprietors;
- .02 Breeding of such animals for sale, whether or not such animals are raised, trained, groomed or boarded by proprietors;
- .03 Grooming and training services of such animals.

Section 8.010.030.05 of the County Code lists the following conditional use activity in the A-4 District:

- .06 Commercial kennels and veterinary hospitals or clinics, provided that no such structure or exercising runway shall be located closer than two hundred (200) feet from any Class "R" District or dwelling other than that of the lessee or owner of the site.

Section 8.096.030.03 of the County Code states:

.03 The Board shall have the power to hear and decide only such appeals for conditional uses as the Board is specifically authorized to pass on by the term of this Ordinance; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this Ordinance; or to deny conditional uses when not in harmony with the purpose and intent of this Ordinance. In its determination upon a particular condition use at the location requested, the Board shall consider the following conditions:

A. Does the proposed use conform to the Land Use Policy Plan?

B. Is the site suitable for the proposed use?

Such factors as size and shape of the property, topographic conditions, soil conditions to support water and septic systems, accessibility to transportation facilities, and soil erosion problems shall be considered.

C. Is the proposed use compatible with surrounding property use?

Such factors as the activities and function of the proposed use should be considered to determine if the proposed use conflicts with or reduces the usefulness or value or creates other negative impacts on adjoining property or properties in the general area, including public health, safety and welfare.

D. Is the adjoining road system adequate to accommodate the proposed use in terms of the present traffic volume vs. road capacity and the general condition of the road system?

E. Can adequate measures be taken to minimize any potential adverse impacts on adjoining property?

If so, stipulate such measures as required by the ordinance or special conditions that would be required.

F. Does the *conditional use* comply with all conditions imposed on it by the provisions of the *district* in which such *conditional use* may be authorized?

**ROADS & TRAFFIC:** Access to the subject property is gained from Whippoorwill Road, a gravel County Road. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 110 vehicles per day.

**FLOOD HAZARD:** The Flood Insurance Study prepared by the Federal Emergency Management Agency for the County designates the property as being in a Zone X, Areas of minimal flooding.

**STAFF**

**RECOMMENDATION:** Based on the above information, the preliminary recommendation by the Planning Department is to **approve** the application subject to the following conditions:

1. The applicant shall secure a license from the Iowa Department of Agriculture and Land Stewardship.
2. The owner shall follow a manure plan.
3. The number of adult dogs and litters per year shall be limited to what was submitted with application.
4. Signage, if proposed, shall be required to comply with Chapter 8.090.030.06.
5. The applicant shall agree to allow the Pottawattamie Animal Control Division to inspect the facility at least once per year.
6. The applicant will bring dogs inside if barking becomes a nuisance.

Based on the following facts of findings:

1. The subject property is located in the A-2 (Agricultural Production) District. The County Zoning Ordinance, which is adopted in conjunction with the Land Use Plan, stipulates that the proposed land use is a permitted conditional use in the A-2 District.
2. The subject property is located in an area which consists primarily of ag and rural acreages. The kennel is not foreseen to have any negative impact on area properties.
3. The existing road system is adequate to accommodate this activity.
4. The aforementioned conditions will minimize any potential adverse impact on adjoining properties.



Rocking N Feeders, LLC  
Brandon & Jackie Nelson  
20761 330<sup>th</sup> ST, Minden, IA 51553  
402-981-6057  
rockingnfeeders@gmail.com

Case CU-2024-06  
Attachment #1



Pottawattamie County Planning  
& Development  
223 South 6<sup>th</sup> Street  
Council Bluffs, IA 51501

To Whom it May Concern:

I am writing to request a conditional use permit application for the dogs on our farm. My husband Brandon and I operate a feedyard and cow/calf operation. This operation is run mainly by my husband, and I assist when I can. I have maintained a full-time job with the University of Nebraska Medical Center for over 17 years, and the feedyard is my husband's primary occupation. On our feedyard and cow/calf operation, we use border collies to assist us with gathering, moving, and sorting cattle. We also will raise some litters of working border collie puppies, often requested by people in the cattle industry that we do cattle business with. These border collies serve as "hired men" in our operation and our irreplaceable, especially during times of uncertainty obtaining hire help. Occasionally we are hired to secure a wild cow that has escaped out of someone's pasture/corral of which we use our dogs and horse to bring these animals back to captivity. They are also our pets and companions and mean a great deal to our family. Our children also have some labrador retrievers. These labradors are more pets than anything but we do occasionally raise litters of labradors.

I have provided you with an arial photo from Pott Co Access. Our dogs are house in building "1." That offers 7 indoor/outdoor runs. That outdoors runs offer 24/7 shade by a 10' lien-to that comes off the building. This run is cleaned and disinfected 2 to 3 times per week and cleaned daily. We dispose of waste in a pile, and it is spread as a crop fertilizer along with cattle/horse manure in the spring and fall months. Building "2" has 5 horse stalls inside. 2 of the stalls are used for both horses and dogs when needed. We have concreted these stalls to make for easy disinfection and cleaning. The stalls are kept with pet shavings to keep odors away. All dogs are provided with professional dog cots for comfort. I have also provided you pictures of my kennels as well as a letter from our veterinarian, our emergency plan and a copy of my American Kennel Club inspection.

Our dogs are left kenneled in the hours that we are asleep. All these dogs have gone through potty training so they can also be rotated inside for family time. We have hired help that cares for these dogs when we are away on business or vacation. Our dogs are vaccinated annually with Oakland Vet Clinic and are dewormed on a regular basis. They have fresh food and water always provided to them. Due to the amount of exercise these dogs receive, we do not limit feed them and provide them with 24/7 food to maintain healthy weight conditions.

We do not board outside dogs. Our kennel space is for the use of our dogs only.

If you have any questions related to this matter, please feel free to contact me at 402-981-6057, or by email at rockingnfeeders@gmail.com.

Warm regards,  
Jackie Nelson

A handwritten signature in blue ink that reads "Jackie Nelson". The signature is written in a cursive, flowing style.





1. 36' x 24' building  
- 7.5' x 15' indoor / outdoor runs (outdoor portion has complete shade)

2. 50' x 100' building  
- 5 horse stalls, 2 of which are used for horse + dogs depending on need. These 2 stalls are concreted to make for easy cleaning / disinfecting



outside sun - 7 dog kennels - South-east view



outside sun 7 dog kennels north-east view





Stalls



7 Dog Kennels - Inside



# Rocking N Ranch

## Canine Emergency Plan

### **Owners:**

Brandon and Jackie Nelson  
20761 330<sup>th</sup> ST  
Minden, IA 51553  
Jackie Cell: 402-981-6057  
Brandon Cell: 402-253-5564  
Email: rockingnranchiowa@gmail.com

### **Emergency Contact:**

Tami Shellberg  
20265 330<sup>th</sup> ST  
Minden, IA 51553  
Tami Cell: 402-980-2359

### **Veterinarian:**

Kelly Turner, DVM  
Oakland Vet Clinic  
510 DR Van Zee RD  
Oakland, IA 51560  
PH: 712-482-6868

In the event of a fire, we would plan temporary housing in the horse barn. In the event that our entire property was destroyed during a natural disaster we would plan to move our dogs to a barn at our feedyard in Oakland, IA until we rebuilt, or we would board our dogs at Oakland Vet Clinic in Oakland, IA or Ray's Dog House in Avoca, IA.

In the event that Jackie Nelson would have any major health issues arise, her husband Brandon Nelson would care for the dogs. Tami Shellberg (emergency) would also be hired on to help care of the dogs. If both Brandon and Jackie Nelson were to pass away, Tami Shellberg would assist in rehoming the dogs to approved families.





# AKC Compliance Report

Type of Inspection

First Time Inspection

Rocking N Labs  
Kennel/Pet Shop Name

3/7/2024 11:58 AM  
Inspection Date

Jacqueline N Nelson  
First Middle Last

Nelson, Mrs. Jacqueline N.  
Customer Name on File

Address  
20761 330TH ST

POTTAWATTAMIE  
County

067257730  
Customer Number

City MINDEN  
State IA

(402) 981-6057  
Phone on record

Owner's Name  
*If different from above*

Zip 51553-4017

Business Phone

### Business Information

Reference #

Operation Type  
Breeder

DNA Reference #

USDA Inspected  
NO

Is the registrant in compliance with AKC Rules, Regulations and Policies? **YES**

Inspector Recommendation  
In Compliance

Approval

Director Approval

If Warning Letter 3, 4, 5, or 6 has been recommended, customer is advised that the AKC will not process any applications concerning them as of this date. A \$250.00 reinspection fee is required. Customer Initials

Signature of Customer or Firm Representative  
AKC Executive Field Agent

*Jacqueline Nelson*

Date 3/7/2024

Date 3/7/2024

ID # I56

**The AKC does not approve, license or endorse anyone engaged in selling purebred dogs. Any notation of "In Compliance" on this inspection report only denotes that the customer inspected at least met minimum standards for AKC compliance on the date of inspection.**

### Areas of Non-Compliance

- Dog Identification
- Record Keeping
- Customer must meet AKC's Care and Condition policy
- AKC Executive Field Agent-Recommended Follow-up Inspection

Customer numbers: 065365882, 068191099, 067257730. Breeder has 4 adult AKC dogs, 4 adult non-AKC dogs and no puppies at this time. Dogs are kept in indoor / outdoor kennels made up of welded metal and concrete. Pens are of sufficient size, clean and in good maintenance. There is an outdoor exercise area for the dogs. Dogs are in good conditions, appear healthy and social. Breeder is in compliance with AKC's care and conditions policy as well as record keeping at the time of the inspection.



# American Kennel Club Kennel Check Report

Kennel Owner: Nelson, Mrs. Jacqueline N.

Customer Number(s): \_\_\_\_\_

AKC Agent: Maqale Tvsler

Reference #: \_\_\_\_\_

067257730

Date: 3/7/2024

## 1. Dog Counts and Breeds

	Total	AKC	Other			
A: Dogs:	8	4	4			
B: Puppies:	0	0	0			
C: Total:	8	4	4	0	0	0

Breed(s) of dogs: Labrador Retrievers, Border Collies

## 2. Identification

A. Dogs: Yes

B. Type of identification: Collars & Tags

If no or partial, explain: \_\_\_\_\_

C. Puppies: Yes

D. Type of identification: Collars & Tags

E. Scanner: No

## 3. Care and Conditions of Dogs

	<u>Acceptable</u>	<u>Needs Improvement</u>	<u>Unacceptable</u>	
A.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there visible signs of parasitic infestation?
B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any signs of untreated, visible wounds?
C.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are coats matted/dirty/neglected?
D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the weight of any dog detrimental to their health?
E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is fresh food provided daily?
F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are water containers present and clean, filled with fresh water sufficient for each dog?
G.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are dogs being provided with daily positive human contact and socialization?
H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is routine and preventative health care being provided to the dogs in the kennel?
I.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When euthanasia is performed on a dog(s) housed in the kennel, is it done in a humane manner?
J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there sufficient exercise areas to allow for all dogs to have access to daily exercise and play?
K.	Is the area(s) being provided for play and exercise a solid surface?			<u>Yes</u>

## 4. Kennel Conditions

	<u>Acceptable</u>	<u>Needs Improvement</u>	<u>Unacceptable</u>	
A.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the construction of the kennels and cages such that they are structurally sound -- in good repair, and without hazardous corners, etc.?
B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there sufficient shelter to protect dogs from the elements?
C.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there adequate space for each dog per kennel or cage, appropriate to the breed?
D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If there are kennels with perforated or non-solid flooring, is it appropriate for the size and weight of the breed and does it have a protective coating?
E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If perforated or non-solid flooring is being used, is a solid resting platform of sufficient size being provided?
F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there a source of fresh air by doors, windows or vents?
G.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there an absence of odor?
H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there an ample supply of artificial or natural light?
I.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the overall appearance of the kennel clean?
J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If bedding is available, is it free of noticeable parasites?

K.    Is there an absence of fecal material and other debris?

L. **Feces Disposal:** Field

M. **Flooring Surface:** Concrete

N. **Fencing:** Welded metal

O. **Housing:** In / out kennels

## 5. Kennel Operations

- |    | <u>Acceptable</u>   | <u>Needs Improvement</u> | <u>Unacceptable</u>      |   |
|----|---|--------------------------|--------------------------|---|
| A. | <input checked="" type="checkbox"/>                                   | <input type="checkbox"/> | <input type="checkbox"/> | Is there a sufficient number of staff (individuals) to maintain appropriate levels of care for the number of dogs being kept in the kennel? <b>Staffing: FTE:</b> <u>1</u> <b>PTE:</b> <u>6</u> |
| B. | <input checked="" type="checkbox"/>                                   | <input type="checkbox"/> | <input type="checkbox"/> | Does the kennel have a documented emergency preparedness plan that is adequate for the type and number of dogs being housed in the kennel?  |
| C. | Explain the emergency plan that is currently in place for the kennel: |                          |                          |   |

Breeder has a posted emergency plan.

## 6. Summary of Inspection

- A. Overall, is customer in compliance with AKC's Care Conditions Policy? Yes
- B. Attached documentation: No If Yes, Type: \_\_\_\_\_
- C. **Time in:** 11:30am **Time out:** 12:20pm
- D. Explanation of any conditions less than acceptable: Add less than acceptable entries to Summary



## 7. Record Details

A. Litter records in database:

B. Ownership records in database:

Other Inspections	Date

D. Dogs Reviewed	E. Results	F. Litters Reviewed	G. Dam Name	H. Date of Whelp	I. Results
SS29124907	OK	SS409164	Rocking N Dani	3/30/2023	OK
SS20783301	OK	SS376125	Rocking N Dani	9/29/2022	OK
SS09278905	OK	SS302899	Rocking N Dani	9/22/2021	
		SS289323	Rocking N Lemon	7/24/2021	
		SS261983	Rocking N Dani	2/23/2021	
		SS207833	Rocking N Dani	7/26/2020	
		SS431813	Rocking N Violet	6/21/2023	OK

08/16/2024

To Whom It May Concern:

My name is Dr. Kelly Turner. I have been doing work for the Nelson family for several years. Their kennels are very clean and sanitized on a regular basis. They take very good care of their dogs, nutritionally, preventative care, vaccination and deworming programs; as well as any additional vet care needed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dr. Kelly J Turner". The signature is written in black ink and is positioned above the printed name.

Dr. Kelly J Turner